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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT TACOMA

9                   CHRISTOPHER JOHNSON,

10                  Petitioner,

Case No. C24-5542-RAJ-MLP

11                  v.

REPORT AND RECOMMENDATION

12                   STATE OF WASHINGTON,

13                  Respondent.

14                   Petitioner Christopher Johnson is currently confined at the Coyote Ridge Corrections  
15 Center in Connell, Washington. On July 5, 2024, Petitioner submitted to the Court for filing a  
16 petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging a judgment of the Kitsap  
17 County Superior Court. (Dkt. # 1.) However, Petitioner failed to submit with his petition either  
18 the requisite \$5.00 filing fee or an application to proceed with this action *in forma pauperis*. The  
19 Clerk therefore sent Petitioner a letter advising him that his submission was deficient and that he  
20 would have to correct the deficiency not later than August 7, 2024, or face dismissal of this  
21 action. (*See* dkt. # 2.) To date Petitioner has not responded in any fashion to the Clerk's  
22 deficiency letter.

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REPORT AND RECOMMENDATION  
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1 As Petitioner has had ample time to either pay the filing fee for this action or submit an  
2 application to proceed *in forma pauperis*, but has failed to do so, this Court recommends that the  
3 instant action be dismissed without prejudice for failure to prosecute. A proposed order  
4 accompanies this Report and Recommendation.

5 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
6 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this  
7 Report and Recommendation is signed. Failure to file objections within the specified time may  
8 affect your right to appeal. Objections should be noted for consideration on the District Judge's  
9 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may  
10 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be  
11 ready for consideration by the District Judge on **September 30, 2024**.

12 DATED this 9th day of September, 2024.

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15 MICHELLE L. PETERSON  
United States Magistrate Judge  
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